

AMENDMENTS TO THE DRAWINGS

Fig. 1A has been amended to add the reference numeral 4B to the lower member 4 in a manner similar to Fig. 3A.

Mark-up Sheet(s) further illustrating the above changes have been provided in addition to the Replacement Drawing Sheets for the Examiner's convenience.

REMARKS

Entry of this Amendment is believed proper since no new issues are being raised which would require the Examiner's further consideration and/or search.

Claims 1-8 and 17-22 are presently pending in this application. Claims 1-4 and 17-20 have been amended to more particularly define the claimed invention. Claims 21-22 have been added to claim additional features of the claimed invention. Claims 17-20 have been withdrawn from examination. Claims 9-16 have been canceled.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Danna, U.S. Pat. No. 5,221,021, further in view of Magyar, U.S. Pat. App. Pub. No. 2003/0230583.

Claims 5-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Danna, U.S. Pat. No. 5,221,021 and Magyar, U.S. Pat. App. Pub. No. 2003/0230583, further in view of Benjey et al., U.S. Pat. No. 6,298,540.

The reference to Magyar, U.S. Pat. App. Pub. No. 2003/0230583 is hereby removed by perfecting the claim to foreign priority based on Applicant's foreign priority document, JP 2003-098913, since the filing date of the Magyar reference is May 9, 2003, which is after the application's foreign priority date of April 2, 2003, based on JP 2003-098913.

Accompanying this Amendment is a verified English Translation of Applicant's

Priority Document, thereby perfecting the claim to priority under 35 U.S.C. §119(a)-(d).

Thus, Applicant respectfully requests that the Examiner withdraw the rejections of claims 1-8 and permit these claims to pass to immediate allowance.

Since the rejections based on Magyar, U.S. Pat. App. Pub. No. 2003/0230583 are withdrawn, Applicant submits that the finality of the present Office Action should also be withdrawn. Since the finality of the present Office Action is withdrawn, Applicant submits that Applicant's attached amendment should be entered without needing to file a Request for Continued Examination (RCE).

I. TRAVERSAL OF ELECTION/RESTRICTION REQUIREMENT

In the election/restriction of the Final Office Action, the Examiner states that claims 9-20 are directed toward, "the embodiment according to Fig. 2 and 3A," page 2, lines 1-5 of the Final Office Action. However, Figs. 1 and 2 relate to a first embodiment (see page 5, lines 8-9 of the original Specification), and Figs. 3A and 3B relate to a second embodiment. That is, the understanding of the Examiner about the relation between the drawings and the embodiments is incorrect. Correctly, even in the first embodiment, the lower member 4 has two bottom portions as shown in Fig. 2. Therefore Applicant respectfully traverses the present election/restriction requirement and requests the Examiner to withdraw the election/restriction requirement.

Further, Applicant amends claims 17 herein to depend on the amended claim 1. The amended claim 17 is directed only to the second embodiment, so that claim 17 has a status of "Withdrawn," by the election/restriction requirement. However, the dependent claim 17 should be rejoined when the independent claims 1 is allowed.

II. APPLICANT'S CLAIMED INVENTION

The claimed invention (as defined, for example, by independent claim 1) is directed to a lower member including a plurality of bottom portions including a single bottom portion constituting the lowest position in the lower member, and a display portion of a working position for locating a waste fuel hole, the display portion being provided at a lowest outer surface of a the single bottom portion constituting the lowest position of the fuel tank in correspondence with a fuel remaining portion.

Conventionally, during the process of draining fuel from scrapped vehicles it is very expensive and time consuming to locate the bottom of a fuel tank and/or the chamber module formation that includes the fuel pump unit in order bore a fuel draining hole to completely drain out the remaining fuel. (Application at page 1, lines 17-23, and page 3, lines 2-10.)

The claimed invention (e.g., as recited in claim 1), on the other hand, includes a lower member including a plurality of bottom portions including a single bottom portion constituting the lowest position in the lower member, and a display portion of a working position for locating a waste fuel hole, the display portion being provided at a lowest outer surface of a the single bottom portion constituting the lowest position of the fuel tank in correspondence with a fuel remaining portion, important for locating the position to completely drain any remaining fuel from the fuel tank. (Application at page 3, lines 13-19.)

III. THE ALLEGED PRIOR ART REJECTIONS

A. 35 U.S.C. § 103(a) Rejection over Danna, U.S. Pat. No. 5,221,021 further in view of Magyar, U.S. Pat. App. Pub. No. 2003/0230583

The Examiner alleges that Danna, U.S. Pat. No. 5,221,021, (Danna), further in view of

Magyar, U.S. Pat. App. Pub. No. 2003/0230583, (Magyar), makes obvious the invention of claims 1-4.

Applicant contends that the reference to Magyar, U.S. Pat. App. Pub. No. 2003/0230583 is removed by perfecting the claim to foreign priority based on Applicant's foreign priority document, JP 2003-098913. See above.

Therefore, Applicant respectfully requests the Examiner to withdraw this rejection since the remaining alleged prior art reference (Danna) fails to teach or suggest each and every element and feature of Applicant's claimed invention.

B. 35 U.S.C. § 103(a) Rejection over Danna, U.S. Pat. No. 5,221,021 and Magyar, U.S. Pat. App. Pub. No. 2003/0230583 further in view of Benjey et al., U.S. Pat. No. 6,298,540

The Examiner alleges that Danna, U.S. Pat. No. 5,221,021 and Magyar, U.S. Pat. App. Pub. No. 2003/0230583, (Danna and Magyar), further in view of Benjey et al., U.S. Pat. No. 6,298,540, (Benjey), makes obvious the invention of claims 5-8.

Applicant contends that the reference to Magyar, U.S. Pat. App. Pub. No. 2003/0230583 is removed by perfecting the claim to foreign priority based on Applicant's foreign priority document, JP 2003-098913. See above.

Therefore, Applicant respectfully requests Examiner to withdraw this rejection since the remaining alleged prior art references (Danna and Benjey), (alone or in combination) fail to teach or suggest each and every element and feature of Applicant's claimed invention.

IV. FORMAL MATTERS AND CONCLUSION

Applicant requests that the Examiner acknowledge receipt of the priority document filed on May 20, 2004. Applicant respectfully requests the Examiner to indicate on the PTOL-326 under Priority under 35 U.S.C. § 119 whether the certified copies of the priority documents have been received. The PTOL-326 included in the Office Action mailed on September 26, 2006 leaves all check boxes 1-3 blank.

In view of the foregoing, Applicant submits that claims 1-8 and 17-22, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date:

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Respectfully Submitted,

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FIG. 1A

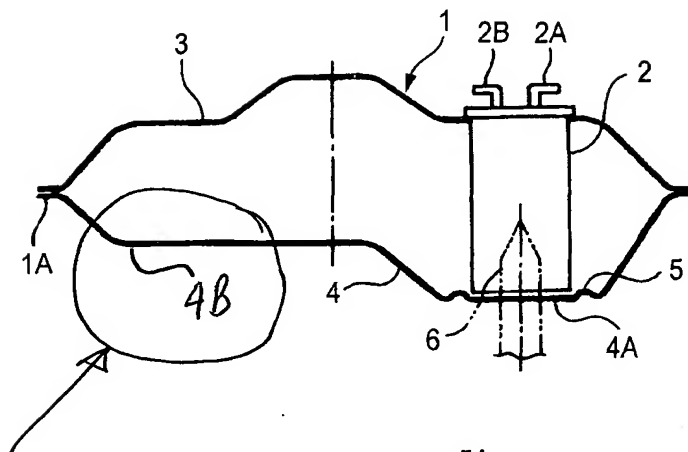


FIG. 1B

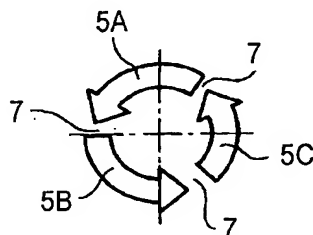


FIG. 1C

